

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Brian Person

Docket No. 4:15-CR-35-1FL

Petition for Action on Supervised Release

COMES NOW Tuell Waters, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Brian Person, who, upon an earlier plea of guilty to False Claims Against the United States in violation of 18 U.S.C. § 287, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on July 5, 2016, to the custody of the Bureau of Prisons for a term of 8 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 4 years.

Brian Person was released from custody on April 17, 2017, at which time the term of supervised release commenced. On October 10, 2017, the defendant submitted a urine specimen which was determined by the national laboratory to be positive for Oxycodone. Consequently, the frequency of drug testing was increased and Person was referred for substance abuse treatment. A Violation Report was submitted to the court and no further action was taken.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 29, 2018, the defendant submitted a urine specimen subsequently determined by the national laboratory to be positive for cocaine use. When confronted with the results, Person readily admitted to using cocaine while intoxicated at a night club. Furthermore, the defendant provided written admission of his drug use and signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.
4. The defendant must undergo drug testing, including but not limited to urinalysis.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Tuell Waters
Tuell Waters
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2344
Executed On: February 21, 2018

ORDER OF THE COURT

Considered and ordered this 23rd day of February, 2018, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge